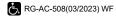
Sheriff Div. [Hilo fax: (808) 933-8836; Kona fax: (808) 322-8788] Probation [Hilo fax: (808) 961-7676; Kona fax: (808) 443-2188] HISC [Hilo fax: (808) 933-8826; Kona fax: (808) 323-4571] HCCC AMHD, UM [fax: (808) 933-0447] [fax: (808) 453-6995] Fiscal IN THE _____ COURT OF THE THIRD CIRCUIT DIVISION STATE OF HAWAI'I STATE OF HAWAI'I CASE NO. ORDER FOR EXAMINATION OF **COMMITTED DEFENDANT UPON** VS. APPLICATION FOR CONDITIONAL RELEASE OR DISCHARGE FROM THE **CUSTODY OF THE DIRECTOR OF** HEALTH, SETTING A HEARING ON THE Defendant. APPLICATION, AND ORDER FOR **TRANSPORT** [§§704-412(1), (2); 704-414; 704-415] Hearing Date Date: _____ Time: _____ Next Hearing Date: _____ Time: _____

ORDER FOR EXAMINATION OF <u>COMMITTED</u> DEFENDANT UPON APPLICATION FOR CONDITIONAL RELEASE OR DISCHARGE FROM THE CUSTODY OF THE DIRECTOR OF HEALTH, SETTING A HEARING ON THE APPLICATION, AND ORDER FOR TRANSPORT

JUDGE:



Prosecutor Defense Counsel

AMHD/Courts & Corrections [fax: (808) 832-1855]

	's Application for Conditional Release or
Discharge o	f the Defendant from the Custody of the Director of Health pursuant to
Sections 70	4-412 and 707-414, Hawaiʻi Revised Statutes ("HRS"), came on for hearing
on	m. with Defendant
	y present □ present by video. Defendant's counsel,
	, and the State of Hawai'i, represented by Deputy
Prosecuting	Attorney,, were also present.
The (Court, having considered the Application, the arguments of the parties, and
	and files in this case, noting that at least ninety (90) days has passed since
	order of commitment pursuant to HRS Section 704-411(1)(a) or that at least
=	ays has passed since the order revoking conditional release pursuant to
HRS Section	n 704-413, and for good cause appearing,
IT IS	HEREBY ORDERED that:
A. APPO	OINTMENT OF EXAMINER(S), HRS §704-414(1)
Defe	ndant shall be examined by:
Delei	idant shall be examined by.
	State Designate
	Adult Mental Health Division
	Courts and Corrections Branch
	1700 Lanakila St.
	Honolulu, Hawaiʻi 96817
	Psychiatrist's or Psychologist's Name
	
	Selected by: ☐ Prosecutor ☐ Defense Counsel
П	
_	Psychiatrist's or Psychologist's Name
	
	Selected by: ☐ Prosecutor ☐ Defense Counsel

B. EXISTING RECORDS, HRS §§704-404(9); 704-414(1)

The Adult Client Services Branch shall obtain and timely make available for inspection by examiner(s) all existing medical, mental health, social, police, and juvenile records, including those expunged, and other pertinent records in the custody of public agencies, notwithstanding any other statutes and Rule 16 of the Hawai'i Rules of Penal Procedure.

The Court further orders that any substance use disorder patient records within the scope of 42 C.F.R. part 2 that are in the custody of public agencies shall be provided to the Adult Client Services Branch for review by the examiner(s).

C. PLACE OF EXAMINATION

Deten	dant shall be examined at:
	A hospital or other suitable facility as deemed appropriate by the Director of Health.
	Other (please specify):

D. CONTENTS OF REPORT, HRS §§704-414(1); 704-404(3), (5)(a), (b), (d), and (e), (8); and 704-415

The examiner(s)' report(s) shall include the following:

- 1. A description of the nature of the examination.
- 2. An opinion as to whether Defendant is still affected by a physical or mental disease, disorder, or defect. If so, a diagnosis of the physical or mental condition of Defendant at the present time.
- An opinion as to whether Defendant can safely be discharged from the custody
 of the Director of Health, without danger to Defendant, or to the person or
 property of others.
- 4. An opinion as to whether the Defendant can be controlled adequately and provided with proper care, supervision, and treatment if granted conditional release pursuant to HRS §704-411(1)(b), without danger to Defendant or to the person or property of others, and if so, what the conditions of release should be.

- 5. A statement that the diagnosis and opinion rendered were arrived at independently of other examiners, unless there is a showing of a clear need for communication between or among the examiners for clarification. A description of the communication shall be included in the report.
- 6. Any examiner shall be permitted to make a separate explanation reasonably serving to clarify the examiner's diagnosis or opinion.

E. (OTHER				
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F. DUE DATE OF EXAMINER REPORT(S)

The examiner(s) shall file a written report with the Court no later than seven (7) days prior to the hearing on the Application. The report(s) of the examination(s), including any supporting documents, shall be filed with the Clerk of the Court via the Judiciary Electronic Filing System for distribution to the prosecuting attorney, Defendant's counsel, and the probation office.

Any request for an extension of the due date of an examiner's report shall be made in writing and filed with the Court prior to the due date.

G. EVIDENTIARY HEARING ON APPLICATION; BURDEN OF PROOF

Defendant is ordered to appear for a hearing on the Application to determine whether Defendant should be discharged or released on conditional release on _____ at ______m. (within sixty (60) days from the filing of the Application).

Pursuant to HRS Section 704-415, the hearing on the Application shall be deemed civil in nature, and the burden shall be on the Applicant to prove that the Defendant is no longer affected by a physical or mental disease, disorder, or defect or may safely be either released on the conditions applied for or discharged from the custody of the Director of Health.

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H. ORDER FOR TRANSPORT TO COURT

IT IS FURTHER ORDERED that:

Representatives of the Sherif	f's Division or th	ne Department of Public Safety shall
transport the Defendant from		
to the Court of the con a		
Defendant until the conclusion of the be transported back to the facility de Facility").	•	nich time Defendant may or may not ate by the Director of Health ("DOH
In the event that Defendant's next hearing would present a risk of Defendant chooses to waive their phoresence at the hearing may be by w	danger to Defe	e at the hearing, Defendant's
Representatives of the Sherif transport the Defendant from the DC hearings, as ordered by this Court.		ne Department of Public Safety shall back to said facility, for any further
DATED:	_, Hawaiʻi,	
		E THE ADOME ENTITLED COURT
	JUDGE OI	F THE ABOVE-ENTITLED COURT
APPROVED AS TO FORM on	:	
Deputy Prosecuting Attorney	— De	fense Counsel
. , , , ,		
Print Name	Pri	nt Name



If you need an accommodation for a disability when participating in a court program, service, or activity, please contact the ADA Coordinator as far in advance as possible to allow time to provide an accommodation. Call the ADA Coordinator at 808-961-7629, Fax 808-961-7577 or send an e-mail to adarequest@courts.hawaii.gov. The ADA Coordinator will try to provide, but cannot guarantee, the requested auxiliary aid, service, or accommodation.